

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TANYA R. McCRAY,

Plaintiff,

v.

IQ DATA INTERNATIONAL, INC.,

Defendant.

Case No. 2:22-cv-00993-DAD-JDP (PS)

FINDINGS AND RECOMMENDATIONS

THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
COMPLY WITH COURT ORDERS, AND
FAILURE TO COMPLY WITH LOCAL
RULES

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

Defendant filed a motion dismiss, which was previously noticed for hearing on January 11, 2024. ECF Nos. 35 & 37. After plaintiff failed to timely respond to that motion, I continued the hearing on defendant's motion and ordered plaintiff to show cause why sanctions should not be imposed for her failure to comply with the court's local rules. ECF No. 38. I also ordered plaintiff file an opposition or statement of non-opposition to defendants' motion by no later than January 25, 2024. *Id.* I warned plaintiff that failure to comply with that order could result in a recommendation that this action be dismissed for lack of prosecution, failure to comply with court orders, and failure to comply with local rules.

The deadline has passed, and plaintiff has not filed an opposition or statement of non-opposition to defendant's motion or otherwise responded to the January 5, 2024 order to show cause.

Accordingly, it is hereby ORDERED that the February 8, 2024 hearing is vacated.

Further, it is RECOMMENDED that:

1. This action be dismissed without prejudice for failure to prosecute, failure to comply with court orders, and failure to comply with the court's local rules.

2. Defendant's motion to dismiss, ECF No. 35, be denied as moot.

3. The Clerk of Court be directed to close the case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any response to the objections shall be served and filed within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: February 5, 2024


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE